

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference T03006PCT | FOR FURTHER ACTION | | See Form PCT/IPEA/416 |
| International application No. PCT/DE2004/000702 | International filing date (day/month/year) 01.04.2004 | Priority date (day/month/year) 01.04.2003 | |
| International Patent Classification (IPC) or national classification and IPC | | | |
| Applicant T-MOBILE DEUTSCHLAND GMBH | | | |

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|--|-------------------------------------|---|---------------------|--------------------------|------------|----------|--------------------------|-------------|--|--------------------------|------------|----------------------------|-------------------------------------|-----------|---|--------------------------|------------|-------------------------|--------------------------|-------------|--|--------------------------|--------------|---|
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>3</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> | | | | | | | | | | | | | | | | | | | | | | | | |
| <p>4. This report contains indications relating to the following items:</p> <table> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table> | <input checked="" type="checkbox"/> | Box No. I | Basis of the report | <input type="checkbox"/> | Box No. II | Priority | <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | <input type="checkbox"/> | Box No. IV | Lack of unity of invention | <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | <input type="checkbox"/> | Box No. VI | Certain documents cited | <input type="checkbox"/> | Box No. VII | Certain defects in the international application | <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. II | Priority | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention | | | | | | | | | | | | | | | | | | | | | | |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VI | Certain documents cited | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application | | | | | | | | | | | | | | | | | | | | | | |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application | | | | | | | | | | | | | | | | | | | | | | |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/DE2004/000702

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (Rule 12.3 and 23.1(b))
 publication of the international application (Rule 12.4)
 international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

the international application as originally filed/furnished
 the description:

pages 1-5 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19
15.10.2004 with letter
of 15.10.2004

nos.* 1-14 received by this Authority on _____

nos.* _____ received by this Authority on _____

the drawings:

sheets 1/1 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. 1-15 _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

| | | | |
|-------------------------------|--------|-------|-----|
| Novelty (N) | Claims | 1-11 | YES |
| | Claims | 12-14 | NO |
| Inventive step (IS) | Claims | | YES |
| | Claims | 1-14 | NO |
| Industrial applicability (IA) | Claims | 1-14 | YES |
| | Claims | | NO |

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents:

D1: WO 02/063839 A

D2: DE 200 09 110 U

D3: EP-A-1 096 725.

1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 12 is not novel within the meaning of PCT Article 33(2).
- 1.1 Document D1 discloses (the references between parentheses relate to document D1):

a device for the immediate delivery of email messages to a telecommunications device of a receiver (page 8, lines 23-30) by means of at least one telecommunications network, having an email server for transmitting the emails from a sender to the receiver, a telecommunications network having at its disposal MMS or WAP-push systems, and a push mail server connected to the email server for the immediate delivery of email

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

messages received by the email server to the communications device of the receiver (page 2, lines 7-11; page 11, lines 16-17).

The subject matter of claim 12 is therefore not novel.

- 1.2 For the sake of completeness the applicant's attention is drawn to the fact that the subject matter of claim 12 is also not novel with respect to document D2 (page 7, line 10, to page 8, last line).
2. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step within the meaning of PCT Article 33(3).
- 2.1 Document D1 is considered the prior art closest to the subject matter of claim 1. It discloses (the references between parentheses relate to D1).

a method for the immediate delivery of email messages (page 8, lines 23-30) to a telecommunications device of a receiver by means of at least one telecommunications network, wherein the email messages are transmitted from a sender to the receiver via an email server and wherein the email messages are delivered to the telecommunications terminal of the receiver by means of conventional MMS or WAP push systems

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

(page 2, lines 7-11; page 11, lines 16-17).

The subject matter of claim 1 therefore differs from the known method in that the email messages are transmitted from the email server to a specially established push mail server using the email address of the receiver, and from there are delivered to the telecommunications device via conventional MMS or WAP push services using a call number contained in the email or determined from a database.

2.2 The problem to be solved by the present invention is therefore understood to be that enabling the sender of an email message to be able to do without the call number of the telecommunications device of the receiver in order to send him an email message. The solution proposed in claim 1 of the present application cannot be considered inventive, for the following reasons. Document D3 discloses a push-mail server (paragraph 34: "redirector") which provides the call number (paragraph 34: "the address of the user's mobile data communication device") and delivers the email messages (paragraph 12: "email messages") to the telecommunications device using conventional MMS or WAP-push services (implied in paragraph 36: "wireless gateway"). For a person skilled in the art it would be a routine measure to incorporate these features into the method described in document D1 in order to solve the problem of interest (that is to say, to enable the sender of

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Box No. V**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

an email message to send an email message without having at his disposal the call number of the telecommunications device of the receiver).

2.3 For the sake of completeness the applicant's attention is drawn to the fact that the subject matter of claim 1 is also not inventive relative to document D2 (page 7, line 10, to page 8, last line).

3. Dependent claims 2-11, 13 and 14 contain no features which, combined with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step (see documents D1, D2 and D3 and the corresponding passages cited in the search report).